

HOUSE BILL 2373  
By Scroggs

AN ACT to amend Tennessee Code Annotated, Title 17, relative to  
court of three (3) judges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 17, Chapter 2, is amended by adding  
the Sections 2 through 4 as a new part.

SECTION 2. A court of three (3) judges shall be convened when any civil action is filed  
to enjoin enforcement of a state statute or municipal ordinance or franchise on the grounds of its  
invalidity or to have such declared invalid.

SECTION 3.

(a) In any action required to be heard and determined by a court of three judges  
under Section 2, the composition and procedure of the court shall be as follows:

(1) The chief justice shall designate two (2) other judges at least one (1)  
of whom shall be a state trial court judge. The two (2) judges so designated, and  
the judge before whom the action was filed, shall serve as members of the court  
to hear and determine the action or proceeding. None of the judges shall be  
from the same judicial district.

(2) Appropriate notice shall be provided to the state attorney general as required  
under Section 29-14-107.

\*800000000\*

80000000

\*009915\*

\*00991528\*

(3) A single judge may conduct all proceedings except the trial and enter all orders permitted by the rules of civil procedure. Such judge may grant a temporary restraining order on a specific finding, based on evidence submitted, that specified irreparable damage will result if the order is not granted. Such order shall remain in force only until the hearing and determination by the three (3) judges of an application for a preliminary injunction. A single judge may not appoint a master or hear and determine any application for a preliminary or permanent injunction or motion to vacate an injunction, or enter judgment on the merits.

(4) Any action of a single judge may be reviewed by the full court at any time before final judgment.

(5) A statute, ordinance or franchise may be enjoined or declared invalid only upon the concurrence of two (2) of the members of the court.

SECTION 4. An aggrieved party may appeal an order entered by a three (3) judge court granting a preliminary injunction or declaring a statute or ordinance invalid directly to the supreme court upon filing the appropriate notice of appeal.

SECTION 5. This act shall take effect July 1, 1998, the public welfare requiring it.